

**TITLE 2. ADMINISTRATION****CHAPTER 12. OFFICE OF THE SECRETARY OF STATE**

*Editor's Note: The Office of the Secretary of State publishes all Chapters on white paper (Supp. 01-2).*

*Editor's Note: This Chapter contains rules that were adopted under an exemption from the Arizona Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-132. Exemption from A.R.S. Title 41, Chapter 6 means that these rules were not published as proposed rules, the general public was not allowed a comment period, and the rules were not approved by the Attorney General. Because this Chapter contains rules which are exempt from the regular rulemaking process, the Chapter is printed on blue paper.*

**ARTICLE 1. REPEALED**

*Article 1, consisting of Sections R2-12-101 through R2-12-110, repealed effective November 4, 1998 (Supp. 98-4).*

**ARTICLE 2. REPEALED**

*Article 2, consisting of Sections R2-12-201 through R2-12-205, repealed effective November 4, 1998 (Supp. 98-4).*

**ARTICLE 3. REGISTRATION OF TELEMARKETING SELLERS**

*Section R2-12-302 and the heading of Article 3 reinstated after having been inadvertently removed (Supp. 99-3).*

*Article 3, consisting of Sections R2-12-301 through R2-12-303, repealed effective November 4, 1998 (Supp. 98-4).*

Section  
R2-12-301. Repealed  
R2-12-302. Fees  
R2-12-303. Repealed

**ARTICLE 4. REPEALED**

*Article 4, consisting of Section R2-12-401, repealed effective November 4, 1998 (Supp. 98-4).*

**ARTICLE 5. ELECTRONIC SIGNATURES**

*Article 5, consisting of Section R2-12-501 through R2-12-504, adopted by exempt rulemaking at 5 A.A.R. 742, effective February 19, 1999 (Supp. 99-1).*

Section  
R2-12-501. Definitions  
R2-12-502. Identification of Acceptable Technologies for Electronic Signatures  
R2-12-503. Policy Authority  
R2-12-504. Certification Authority Approval Application, Suspension, Revocation

**ARTICLE 6. ELECTRONIC VOTER REGISTRATION**

*Article 6, consisting of Sections R2-12-601 through R2-12-605, made by final rulemaking at 8 A.A.R. 1905, effective March 29, 2002 (Supp. 02-1).*

Section  
R2-12-601. Definitions  
R2-12-602. Retention of Electronic Voter Registration Forms  
R2-12-603. Electronic Signatures for Electronic Voter Registration Forms  
R2-12-604. Acceptable Transmitters of Electronic Voter Registration Forms  
R2-12-605. Transfer of Electronic Voter Registration information

**ARTICLE 7. BALLOT MEASURE PUBLICITY PAMPHLET ARGUMENT FEES**

*Article 7, consisting of Section R2-12-701, adopted by final rulemaking at 6 A.A.R. 1076, effective March 3, 2000 (Supp. 00-1).*

Section  
R2-12-701. Ballot Measure Publicity Pamphlet Argument

**ARTICLE 8. RESERVED****ARTICLE 9. RESERVED****ARTICLE 10. CAMPAIGN CONTRIBUTIONS AND EXPENSES; STANDING POLITICAL COMMITTEES SECTION**

*Article 10, consisting of Section R2-12-1001, adopted by final rulemaking at 6 A.A.R. 3567, effective August 23, 2000 (Supp. 00-3).*

Section  
R2-12-1001. Filing Fees

**ARTICLE 11. NOTARY PUBLIC BONDS AND FEES**

*Article 11, consisting of Sections R2-12-1101 through R2-12-1103, adopted by emergency rulemaking pursuant to A.R.S. § 41-1026 and Laws 2000, Ch. 210, §§ 2 and 3 at 6 A.A.R. 2956, effective July 18, 2000 (Supp. 00-3). Emergency rulemaking renewed at 7 A.A.R. 672, effective January 13, 2001 (Supp. 01-1). Final rules adopted at 7 A.A.R. 2141, effective May 1, 2001 (Supp. 01-2).*

Section  
R2-12-1101. Definitions  
R2-12-1102. Notary Public Fees  
R2-12-1103. Notary Public Bonds

**ARTICLE 12. ELECTRONIC NOTARY**

*Article 12, consisting of Sections R2-12-1201 through R2-12-1209, made by final rulemaking at 9 A.A.R. 2085, effective August 1, 2003 (Supp. 03-2).*

Section  
R2-12-1201. Application and Renewal  
R2-12-1202. Applicant Filing Fee, Bond, and Bond Filing Fee  
R2-12-1203. Notarial Journal  
R2-12-1204. Standards for Electronic Notary Token and Notary Service Electronic Certificate  
R2-12-1205. Use of Electronic Notary Tokens and Notary Service Electronic Certificate  
R2-12-1206. Approval of Time Stamp Token Provider  
R2-12-1207. Fees  
R2-12-1208. Penalty Fee for Lack of Notice  
R2-12-1209. Civil Penalties

**ARTICLE 1. REPEALED**

**R2-12-101. Repealed**

**Historical Note**

Adopted as an emergency effective January 9, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective March 8, 1979 (Supp. 79-2). Repealed effective November 4, 1998 (Supp. 98-4).

**R2-12-102. Repealed****Historical Note**

Adopted as an emergency effective January 9, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective March 8, 1979 (Supp. 79-2). Repealed effective November 4, 1998 (Supp. 98-4).

**R2-12-103. Repealed****Historical Note**

Adopted as an emergency effective January 9, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective March 8, 1979 (Supp. 79-2). Repealed effective November 4, 1998 (Supp. 98-4).

**R2-12-104. Repealed****Historical Note**

Adopted as an emergency effective January 9, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective March 8, 1979 (Supp. 79-2). Repealed effective November 4, 1998 (Supp. 98-4).

**R2-12-105. Repealed****Historical Note**

Adopted as an emergency effective January 9, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective March 8, 1979 (Supp. 79-2). Repealed effective November 4, 1998 (Supp. 98-4).

**R2-12-106. Repealed****Historical Note**

Adopted as an emergency effective January 9, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective March 8, 1979 (Supp. 79-2). Repealed effective November 4, 1998 (Supp. 98-4).

**R2-12-107. Repealed****Historical Note**

Adopted as an emergency effective January 9, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective March 8, 1979 (Supp. 79-2). Repealed effective November 4, 1998 (Supp. 98-4).

**R2-12-108. Repealed****Historical Note**

Adopted as an emergency effective January 9, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective March 8, 1979 (Supp. 79-2). Repealed effective November 4, 1998 (Supp. 98-4).

**R2-12-109. Repealed****Historical Note**

Adopted as an emergency effective January 9, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective March 8, 1979 (Supp. 79-2). Repealed effective November 4, 1998 (Supp. 98-4).

**R2-12-110. Repealed****Historical Note**

Adopted as an emergency effective January 9, 1979, pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 79-1). Adopted effective March 8, 1979 (Supp. 79-2). Amended effective June 17, 1985 (Supp. 85-3). Repealed effective November 4, 1998 (Supp. 98-4).

**ARTICLE 2. REPEALED****R2-12-201. Repealed****Historical Note**

Adopted as an emergency effective March 2, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-2). Adopted as a permanent rule without change effective June 2, 1983 (Supp. 83-3). Repealed effective November 4, 1998 (Supp. 98-4).

**R2-12-202. Repealed****Historical Note**

Adopted as an emergency effective March 2, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-2). Adopted as a permanent rule without change effective June 2, 1983 (Supp. 83-3). Repealed effective November 4, 1998 (Supp. 98-4).

**R2-12-203. Repealed****Historical Note**

Adopted as an emergency effective March 2, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days. Amended as an emergency effective March 22, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-2). Correction to Supp. 83-2, amended as an emergency effective March 22, 1983, should have read "in the county where the examiner registers the voter". Section R2-12-202 adopted as a permanent rule without change as amended effective June 2, 1983 (Supp. 83-3). Repealed effective November 4, 1998 (Supp. 98-4).

**R2-12-204. Repealed****Historical Note**

Adopted as an emergency effective March 2, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-2). Adopted as a permanent rule without change effective June 2, 1983 (Supp. 83-3). Repealed effective November 4, 1998 (Supp. 98-4).

**R2-12-205. Repealed****Historical Note**

Adopted as an emergency effective March 2, 1983 pursuant to A.R.S. § 41-1003, valid for only 90 days (Supp. 83-2). Adopted as a permanent rule without change effective June 2, 1983 (Supp. 83-3). Repealed effective November 4, 1998 (Supp. 98-4).

**ARTICLE 3. REGISTRATION OF TELEMARKETING SELLERS****R2-12-301. Repealed****Historical Note**

Adopted as an emergency effective September 12, 1989, pursuant to A.R.S. § 41-1026 valid for only 90 days (Supp. 89-3). Adopted without change as a permanent rule effective January 9, 1990 (Supp. 90-1). Repealed effective November 4, 1998 (Supp. 98-4).

*Editor's Note: The following Section was inadvertently removed from the Arizona Administrative Code (Supp. 98-4). The Section should not have been removed and is therefore reinstated, with no lapse in effectiveness (Supp. 99-3).*

**R2-12-302. Fees**

- A. The annual registration fee for full-year registration shall be \$500.00. The annual registration fee for an initial registration statement filed between August 1 and June 30 of a registration

year shall be according to a sliding scale with a minimum fee of \$250.00 as follows:

- \$500 - July (full-year registration)
- \$475 - August
- \$450 - September
- \$425 - October
- \$400 - November
- \$375 - December
- \$350 - January
- \$325 - February
- \$300 - March
- \$275 - April
- \$250 - May and June

- B.** The fee for filing A.R.S. § 44-1272 Supplemental Statements, including Quarterly Statements of changes in solicitors, shall be \$25.00 per filing.

#### Historical Note

Adopted as an emergency effective September 12, 1989, pursuant to A.R.S. § 41-1026 valid for only 90 days (Supp. 89-3). Adopted without change as a permanent rule effective January 9, 1990 (Supp. 90-1). Repealed effective November 4, 1998 (Supp. 98-4). Section reinstated after having been inadvertently removed (Supp. 99-3).

#### R2-12-303. Repealed

#### Historical Note

Adopted as an emergency effective September 12, 1989, pursuant to A.R.S. § 41-1026 valid for only 90 days (Supp. 89-3). Adopted without change as a permanent rule effective January 9, 1990 (Supp. 90-1). Repealed effective November 4, 1998 (Supp. 98-4).

#### ARTICLE 4. REPEALED

#### R2-12-401. Repealed

#### Historical Note

Adopted as an emergency effective September 5, 1989, pursuant to A.R.S. § 41-1026 valid for only 90 days (Supp. 89-3). Adopted without change as a permanent rule effective January 9, 1990 (Supp. 90-1). Repealed effective November 4, 1998 (Supp. 98-4).

*Editor's Note: The following Article was adopted under an exemption from the Arizona Administrative Procedure Act (A.R.S. Title 41, Chapter 6) pursuant to A.R.S. § 41-132. Exemption from A.R.S. Title 41, Chapter 6 means that these rules were not published as proposed rules, the general public was not allowed a comment period, and the rules were not approved by the Attorney General.*

#### ARTICLE 5. ELECTRONIC SIGNATURES

##### R2-12-501. Definitions

- A.** "Acceptable Certification Authorities" means authorities that meet the requirements of R2-12-504.
- B.** "Approved List of Certification Authorities" means the list of Certification Authorities approved by the Secretary of State to issue certificates for electronically signed transactions involving public entities in Arizona.
- C.** "Asymmetric crypto-system" means an electronically processed algorithm, or series of algorithms, which uses two different keys with the following characteristics:
1. One key encrypts a given message;
  2. One key decrypts a given message; and
  3. The keys have the property that it is infeasible to discover one key from merely knowing the other key.

- D.** "CARAT Guidelines" means the *CARAT Guidelines - Guidelines for Constructing Policies Governing the Use of Identity-Based Public Key Certificates* drafted by the Certification Authority Rating and Trust (CARAT) Task Force of the National Automated Clearing House Association (NACHA), Version 1 Draft, September 21, 1998, excluding later amendments or additions, incorporated by reference and on file with the Secretary of State.
- E.** "Certificate" means an electronic document attached to a public key by a trusted certification authority, which provides proof that the public key belongs to a legitimate subscriber and has not been compromised.
- F.** "Certification Authority" means a person or entity that issues a certificate.
- G.** "Electronically signed communication" means an electronic message that has been processed in such a manner that the message is tied to the individual who signed the message.
- H.** "GITA" means the Government Information Technology Agency, as established by A.R.S. § 41-3501.
- I.** "Key pair" means a private key and its corresponding public key in an asymmetric crypto-system. The key pair is unique in that the public key can verify a digital signature that the private key creates.
- J.** "Message" means an electronic representation of information intended to serve as a written communication with a public entity.
- K.** "Person" means a human being or any organization capable of signing a document, either legally or as a matter of fact.
- L.** "Policy Authority" means, as defined by CARAT Guidelines, some authoritative party that formulates the guidelines defining the process of electronic signature use.
- M.** "Private key" means the key of a key pair used to create a digital signature.
- N.** "Public key" means the key of a key pair used to verify a digital signature.
- O.** "Public entity" means any budget unit, as defined in A.R.S. § 41-3501.
- P.** "S.A.S. 70" means the standards set in the American Institute of Certified Public Accounts (AICPA) Statement on Auditing Standards No. 70. Should current S.A.S. 70 standards (or any succeeding version) be superceded, the Secretary of State, in consultation with GITA and the State Treasurer, shall establish a deadline for all affected parties to comply with the replacing standard. This deadline shall be no later than two years from the date of issuance of the new S.A.S. standards. GITA will also provide a "roadmap" of how the revised standard fits the current Type 1 and Type 2 S.A.S. 70 designations used elsewhere in these rules.
- Q.** "Subscriber" means a person who:
1. Is the subject listed in a certificate,
  2. Accepts the certificate, and
  3. Holds a private key which corresponds to a public key listed in that certificate.

#### Historical Note

Adopted by exempt rulemaking at 5 A.A.R. 742, effective February 19, 1999 (Supp. 99-1).

##### R2-12-502. Identification of Acceptable Technologies for Electronic Signatures

- A.** The Secretary of State shall accept, and approve for use, technologies for electronic signature, in consultation with the Policy Authority and GITA, provided the technologies meet the standards set forth in the GITA standards for Electronic Signatures, as specified in A.R.S. § 41-3504.
- B.** Provisions for Adding New Technologies

1. Any individual or company can petition the Secretary of State to review the technology, by providing a written request for review including a full explanation of a proposed technology that meets the requirements established under subsection (A) and meets the requirements of the Policy Authority as identified in R2-12-503.
2. The Secretary of State has 180 days from the date of the request to review the petition and either accept or reject it.
  - a. If the petitioner's proposed technology meets the requirements established under subsection (A) and meets the requirements of the Policy Authority, then GITA shall work with the Policy Authority to incorporate the new technology into electronic signature use by public agencies in Arizona.
  - b. If the proposed technology is rejected, the petitioner can appeal the decision through the Administrative Procedure Act, A.R.S. § 41-1092.08(H).

#### Historical Note

Adopted by exempt rulemaking at 5 A.A.R. 742, effective February 19, 1999 (Supp. 99-1).

#### R2-12-503. Policy Authority

- A. The office of the Secretary of State shall serve as the Policy Authority as defined within the CARAT Guidelines. These guidelines provide a prudent operational model that may be applied to new technologies as they are approved.
- B. Decisions made by the Policy Authority under R2-12-501, R2-12-502, and R2-12-504 may be appealed pursuant to the Administrative Procedure Act, A.R.S. § 41-1092.08(H).

#### Historical Note

Adopted by exempt rulemaking at 5 A.A.R. 742, effective February 19, 1999 (Supp. 99-1).

#### R2-12-504. Certification Authority Approval Application, Suspension, Revocation

- A. Acceptable Certification Authorities
  1. The Secretary of State shall maintain an "Approved List of Certification Authorities" authorized to issue certificates for electronically signed communication with public entities in Arizona.
  2. Public entities shall only accept certificates from Certification Authorities that appear on the "Approved List of Certification Authorities" and are authorized to issue certificates by the Secretary of State.
- B. Registration of Certification Authorities
  1. The Secretary of State shall place Certification Authorities on the "Approved List of Certification Authorities" after the Certification Authority provides the Secretary of State with a copy of an unqualified performance audit performed in accordance with standards set in S.A.S. 70 to ensure that the Certification Authorities practices and policies are consistent with the requirements in this Article and any requirements of the Policy Authority.
    - a. Certification Authorities that have been in operation for one year or less shall undergo a S.A.S. 70 type 1 audit - A report of Policies and Procedures placed in operation, receiving an unqualified opinion.
    - b. Certification Authorities that have been in operation for longer than one year shall undergo a S.A.S. 70 type 2 audit - A Report of Policies and Procedures placed in operation and test of operating effectiveness, receiving an unqualified opinion.

- c. To remain on the "Approved List of Certification Authorities", a Certification Authority must provide proof of compliance every two years after initially being placed on the list and meet any requirements of the Policy Authority in effect at that time.
2. In lieu of completing the auditing requirement in subsection (B)(1), Certification Authorities may be placed on the "Approved List of Certification Authorities" upon providing the Secretary of State with proof acceptable to the Secretary of State that the Certification Authority meets the Policy Authority's criteria for acceptance of a Foreign License (non-Arizona license).
  - a. Certification Authorities shall be removed from the "Approved List of Acceptable Certification Authorities" unless they provide current proof of accreditation to the Secretary of State at least once per year no later than December 31 of each year.
  - b. If the Secretary of State is informed a Certification Authority has had its accreditation revoked, the Certification Authority shall be removed from the "Approved List of Certification Authorities" immediately.

#### Historical Note

Adopted by exempt rulemaking at 5 A.A.R. 742, effective February 19, 1999 (Supp. 99-1).

### ARTICLE 6. ELECTRONIC VOTER REGISTRATION

#### R2-12-601. Definitions

In addition to the definitions provided in A.R.S. §§ 16-101, 16-111, 16-140, and 16-153, unless the context provides otherwise, the following definitions apply to this Article:

1. "Destination county recorder" means the county recorder to which the registrant's voter registration application is delivered.
2. "Electronic signature" is defined in A.R.S. § 41-132.
3. "Electronic voter registration form" means the capture and acknowledgment of statements on behalf of the registrant during the electronic voter registration process. Its contents are substantively the information prescribed by A.R.S. § 16-152.
4. "Electronic voter registration process" means the sequence of events between a registrant and a transmitter beginning with identification of the registrant up to and including submitting the registration information.
5. "Electronic voter registration, statement, or other document" means all data entered into a registration, statement, or other document that is electronically prepared and transmitted to a county recorder.
6. "Identification register" means the index of information containing registrant information maintained by a transmitter.
7. "Registrant" means a person attempting to register to vote.
8. "Transmitter" means an agency who is part of the chain of transmission of an electronic voter registration, statement, or other document from a registrant to a destination county recorder even though the agency did not receive the transmitted registration, statement, or other document directly from the registrant.
9. "Wet signature" means a physically generated signature of a person that can be compared to other physically generated signatures of the person for verification of authenticity.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 1905, effective March 29, 2002 (Supp. 02-1).

**R2-12-602. Retention of Electronic Voter Registration Forms**

- A.** For each electronic voter registration transmitted to the Secretary of State, the Secretary of State shall keep the documents listed in A.R.S. § 16-152(B) until the next General Election or the date a county recorder confirms the registration is received, whichever is later.
- B.** For each electronic voter registration transmitted to a county recorder, the county recorder shall keep the documents listed in A.R.S. § 16-152(A) as specified by A.R.S. § 16-162.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 1905, effective March 29, 2002 (Supp. 02-1).

**R2-12-603. Electronic Signatures for Electronic Voter Registration Forms**

- A.** To accept the terms of the electronic voter registration process, a registrant shall electronically sign the electronic voter registration form. If a registrant uses an electronic signature, the registrant shall:
  - 1. Declare, under penalty of perjury, that the electronic voter registration form is true, correct, and complete to the best of the registrant's knowledge; and
  - 2. Signify to the transmitter during the electronic voter registration process to release the electronic voter registration form to the destination county recorder.
- B.** An electronic signature for use on an electronic voter registration form shall be a separate acknowledgement statement authorizing the transmitter to transmit the information to the destination county recorder.
- C.** A registrant may use an electronic signature on an electronic voter registration form if the following conditions are true:
  - 1. The registrant is active in the transmitter's identification register.
  - 2. The registrant is uniquely identified by name, physical address, and date of birth in the transmitter's identification register.
  - 3. A digitized image of the registrant's wet signature exists with the transmitter for the purpose of transmitting with the electronic voter registration form to the destination county recorder.
- D.** If a registrant does not electronically sign the registrant's electronic voter registration form, the registrant may complete the voter registration process on paper.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 1905, effective March 29, 2002 (Supp. 02-1).

**R2-12-604. Acceptable Transmitters of Electronic Voter Registration Forms**

- A.** Only the following government agencies may be transmitters:
  - 1. The Department of Transportation,
  - 2. The county recorders, and
  - 3. The Secretary of State.
- B.** Each transmitter shall enter into an agreement with the Secretary of State to transmit electronic voter registration information before transmitting electronic voter registration information.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 1905, effective March 29, 2002 (Supp. 02-1).

**R2-12-605. Transfer of Electronic Voter Registration Information**

- A.** The Secretary of State, or its duly authorized third party, shall receive an electronic voter registration information from an accepted transmitter and deliver it to a destination county recorder.
- B.** A county recorder may:
  - 1. Receive electronic voter registration information updates through the Secretary of State;
  - 2. Receive paper renditions of the electronic voter registration information on a registration form prescribed by the Secretary of State;
  - 3. Receive digitized images of the electronic voter registration information in a registration form prescribed by the Secretary of State.
- C.** Information collected to update a registrant's voter registration information may be transmitted electronically if the following conditions are true:
  - 1. A registrant provides information to a transmitter for updating the registrant's name or address in the identification register pursuant to A.R.S. § 16-112(B)(4).
  - 2. The information specified in subsection (C)(1) is received from a transmitter specified in R2-12-604(A).
  - 3. The information specified in subsection (C)(1) is transmitted in an electronic voter registration format via an electronic manner accepted by the Secretary of State.
  - 4. The information specified in subsection (C)(1) uniquely identifies an elector of a county recorder's voter registration roll by name and date of birth.
- D.** Information collected for the intent of initial registration to the voter registration rolls may be transmitted electronically if:
  - 1. The information meets the criteria of subsection (C);
  - 2. The information contains a digitized image of a registrant's wet signature; and
  - 3. The information has been electronically signed by a registrant to authorize the transmitter to release the electronic voter registration form.
- E.** Voter registration information shall be kept confidential pursuant to A.R.S. § 16-153.
- F.** Driver's license information shall be kept confidential pursuant to A.R.S. § 16-112.

**Historical Note**

New Section made by final rulemaking at 8 A.A.R. 1905, effective March 29, 2002 (Supp. 02-1).

**ARTICLE 7. BALLOT MEASURE PUBLICITY PAMPHLET ARGUMENT FEES****R2-12-701. Ballot Measure Publicity Pamphlet Argument**

The following fees have been established by the Office of the Secretary of State, for the purpose of offsetting the cost of printing "pro" and "con" arguments in the ballot measure publicity pamphlet as required by A.R.S. § 19-124(D):

- 1. Argument filed on paper only - \$100.00.
- 2. Argument filed on paper and electronic format (computer disk) - \$75.00.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 1076, effective March 3, 2000 (Supp. 00-1).

**ARTICLE 8. RESERVED****ARTICLE 9. RESERVED****ARTICLE 10. CAMPAIGN CONTRIBUTIONS AND EXPENSES; STANDING POLITICAL COMMITTEES SECTION****R2-12-1001. Filing Fees**

- A. A fee of \$250.00 shall accompany the filing of a Statement of Organization that declares the status of a Standing Political Committee. Regardless of the date of filing of a Statement of Organization, the annual registration of all Standing Political Committees shall expire midnight on December 31.
- B. A fee of \$250.00 shall be submitted to the Secretary of State for the annual renewal of a Standing Political Committee's status. Annual renewal fees are due and payable on or before January 1.
- C. All fees shall be made payable to the Office of the Secretary of State. Fees paid to the Secretary of State for Standing Political Committee status are non-returnable and non-transferable.

**Historical Note**

New Section adopted by final rulemaking at 6 A.A.R. 3567, effective August 23, 2000 (Supp. 00-3).

**ARTICLE 11. NOTARY PUBLIC BONDS AND FEES****R2-12-1101. Definitions**

The following definitions shall apply in this Article unless the context otherwise requires:

"Acknowledgment" means the same as defined in A.R.S. § 41-311(1).

"Bond" means a surety bond to the state, with sureties approved by the clerk of the superior court in the county in which the individual is being commissioned as a notary public.

"Copy certification" means the same as defined in A.R.S. § 41-311(3).

"Credible person" means a person used to identify a signer when the signer does not have other satisfactory evidence of identity as specified in A.R.S. § 41-311(11).

"Jurat" means the same as defined in A.R.S. § 41-311(6).

"Oath" or "affirmation" means the same as defined in A.R.S. § 41-311(10).

"Satisfactory evidence of identity" means the same as defined in A.R.S. § 41-311(11).

**Historical Note**

New Section adopted by emergency rulemaking at 6 A.A.R. 2956, effective July 18, 2000 (Supp. 00-3). Emergency rulemaking renewed at 7 A.A.R. 672, effective January 13, 2001 (Supp. 01-1). Section made by final rulemaking at 7 A.A.R. 2141, effective May 1, 2001 (Supp. 01-2).

**R2-12-1102. Notary Public Fees**

Notaries public may charge the following fees:

1. For acknowledgments, \$2 per signature;
2. For jurats, \$2 per signature;
3. For copy certifications, \$2 per page certified;
4. For oaths or affirmations without a signature, \$2.

**Historical Note**

New Section adopted by emergency rulemaking at 6 A.A.R. 2956, effective July 18, 2000 (Supp. 00-3). Emergency rulemaking renewed at 7 A.A.R. 672, effective January 13, 2001 (Supp. 01-1). Section made by final rulemaking at 7 A.A.R. 2141, effective May 1, 2001 (Supp. 01-2).

**R2-12-1103. Notary Public Bonds**

- A. Notaries public shall purchase a bond in the amount of \$5,000 before being commissioned as a notary public. The original bond shall be filed with the clerk of the superior court in the applicant's county of residence. A copy of the bond shall be filed with the applicant's application form submitted to the Secretary of State's Office.
- B. The bond shall contain, on its face, the oath of office for the notary public as specified in A.R.S. § 38-233(B). This oath shall be as specified in A.R.S. § 38-231. The notary shall endorse the oath on the face of the bond, immediately below the oath, by signing the notary's name under which the person has applied to be commissioned as a notary and exactly as the name appears on the notary application form filed with the Secretary of State's Office.

**Historical Note**

New Section adopted by emergency rulemaking at 6 A.A.R. 2956, effective July 18, 2000 (Supp. 00-3). Emergency rulemaking renewed at 7 A.A.R. 672, effective January 13, 2001 (Supp. 01-1). Section made by final rulemaking at 7 A.A.R. 2141, effective May 1, 2001 (Supp. 01-2).

**ARTICLE 12. ELECTRONIC NOTARY**

*Article 12, consisting of Sections R2-12-1201 through R2-12-1209, made by final rulemaking at 9 A.A.R. 2085, effective August 1, 2003 (Supp. 03-2).*

**R2-12-1201. Application and Renewal**

Each applicant for an electronic notary commission or a renewal of an electronic notary commission shall:

1. Submit to the Secretary of State a verified application on a form furnished by the Secretary of State that provides the following information about the applicant:
  - a. Full name and any former names used by the applicant;
  - b. Physical address and telephone number;
  - c. Mailing address and telephone number;
  - d. Business address, telephone number, fax number and email address, if applicable;
  - e. County of residence;
  - f. Gender;
  - g. Date of birth;
  - h. The previous commission number of the applicant if previously an electronic notary or notary public appointed under A.R.S. § 41-312 in Arizona, if applicable;
  - i. Responses to questions regarding the applicant's background on the following subjects:
    - i. Whether the applicant has been convicted of a felony or an undesignated offense in this or any other jurisdiction and whether the applicant has been restored to civil rights.
    - ii. Whether the applicant has been convicted of a lesser offense involving moral turpitude or of a nature that is incompatible with the duties of a notary public in this or any other jurisdiction such as a finding that the applicant engaged in conduct that would violate A.R.S. § 41-313 if adjudicated in Arizona, or that the applicant engaged in conduct that constituted misconduct in public office or demonstrated dishonesty or a lack of veracity.
    - iii. Whether the applicant has ever had a professional license revoked, suspended, restricted, or denied for misconduct, dishonesty, or any cause

- that relates to the duties or responsibilities of a notary public such as a finding that the applicant engaged in conduct that would violate A.R.S. § 41-313 if adjudicated in Arizona, or that the applicant engaged in conduct that demonstrated dishonesty or a lack of veracity.
- iv. Whether the applicant has had a notary commission revoked, suspended, restricted, or denied in this state or any other jurisdiction.
  - v. Statement that applicant is 18 years of age or older.
  - vi. Statement of being an Arizona resident.
  - vii. Whether the applicant holds or has held a notary commission in another state or jurisdiction and the commission number and jurisdiction, if applicable.
2. The Secretary of State may require that the applicant provide a detailed explanation and supporting documentation for each response on the application regarding the applicant's background.
  3. Each applicant shall register with the Secretary of State the applicant's possession of an approved electronic notary token within 90 days of submitting the application.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 2085, effective August 1, 2003 (Supp. 03-2).

**R2-12-1202. Applicant Filing Fee, Bond, and Bond Filing Fee**

- A. The application and renewal fee is \$25.
- B. The bond filing fee is \$25.
- C. The applicant shall purchase a surety bond in the amount of \$25,000. The original bond shall be filed with the Secretary of State's office accompanying the application or renewal.
- D. The bond shall contain, on its face, the oath of office for the electronic notary public as specified in A.R.S. § 38-231(G). The electronic notary shall endorse the oath on the face of the bond, immediately below the oath, by signing the electronic notary's name under which the person has applied to be commissioned as an electronic notary and exactly as the name appears on the electronic notary application form filed with the Secretary of State's Office.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 2085, effective August 1, 2003 (Supp. 03-2).

**R2-12-1203. Notarial Journal**

- A. An electronic notary public shall keep a journal of all electronic notarial acts in bound paper form with the same form as required in A.R.S. § 41-319 herein referenced as a "journal." If an electronic notary act is conducted upon an electronic signature that is not recognized under A.R.S. § 41-132, the electronic notary shall have the signer sign the paper journal in a manner consistent with A.R.S. § 41-319.
- B. The journal shall be under the control of the electronic notary.
- C. If an electronic notary also holds commission as a notary public appointed under A.R.S. § 41-312, and the commission dates are identical between the two commissions, then the electronic notary may use the notary public journal as the electronic notary paper journal. If the dates are not identical, then the electronic notary shall maintain two separate journals.
- D. If a notary service electronic certificate is used in a manner to create an electronic signature in a notarial act, the document name, title, brief description of contents, and the time stamp shall be entered into the issuing electronic notary's journal as a notary service electronic certificate entry.

- E. Journals are not deemed received until the Secretary of State accepts the journals as complete. The electronic notary shall not be subject to a penalty for delay outside the control of the electronic notary in delivering the journal to the Secretary of State.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 2085, effective August 1, 2003 (Supp. 03-2).

**R2-12-1204. Standards for Electronic Notary Token and Notary Service Electronic Certificate**

- A. An electronic notary token, and subsequently a notary service electronic certificate, shall be approved under A.R.S. § 41-132.
- B. A provider of an electronic notary token may not provide an official electronic notary token to a person unless the person first presents evidence of the electronic notary commission for that person to the provider.
- C. A provider of a notary service electronic certificate may not provide an official notary service electronic certificate to a person unless the person presents himself or herself before and receives authorization from an electronic notary for reception of the notary service electronic certificate.
- D. An electronic notary token shall contain:
  1. The commission number of the electronic notary;
  2. The full name of the electronic notary, as commissioned as an electronic notary;
  3. The expiration date of the notary's commission;
  4. A link to the commission record of the electronic notary on the Secretary of State's official web site; and
  5. Any applicable information relative to A.R.S. § 41-132.
- E. A notary service electronic certificate shall contain:
  1. The commission number of the electronic notary authorizing the notary service electronic certificate;
  2. The identification of the authorizing electronic notary's electronic notary token;
  3. The full name of the individual, as presented to the electronic notary;
  4. A link to the authorizing commission record of the electronic notary on the Secretary of State's official web site; and
  5. Any applicable information relative to A.R.S. § 41-132.
- F. An electronic notary may possess only one electronic notary token.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 2085, effective August 1, 2003 (Supp. 03-2).

**R2-12-1205. Use of Electronic Notary Tokens and Notary Service Electronic Certificate**

- A. An electronic notary may only use an electronic notary token for the duties set forth in A.R.S. §§ 41-351 through 41-369 and interactions with the provider of the electronic notary token.
- B. A person may only use a notary service electronic certificate for the purposes of creating electronic notarized documents and interactions with the provider of the notary service electronic certificate.
- C. Use of an electronic notary token is not complete without:
  1. Incorporating the electronic notary token elements into the document;
  2. Either directly incorporating the time and date of notarization or incorporating the time and date of notarization using a process of an approved time stamp provider;
  3. Affixing the notary's electronic signature.

- D.** Use of a notary service electronic certificate is not complete without:
1. Presence of a date and time stamp from an approved time stamp token provider;
  2. Affixing the notary's electronic signature.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 2085, effective August 1, 2003 (Supp. 03-2).

**R2-12-1206. Approval of Time Stamp Token Provider**

Any person or entity that can provide a service that synchronizes time as defined in A.R.S. § 1-242 into a process using an electronic notary token or a notary service electronic certificate, where applicable, may be added to the list of approved time stamp token providers. All time stamp tokens that interact with electronic notary tokens and notary service electronic certificates need to meet the applicable technology standards required by A.R.S. § 41-132.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 2085, effective August 1, 2003 (Supp. 03-2).

**R2-12-1207. Fees**

Electronic notaries may charge the following fees:

1. Fee for an acknowledgment shall be not more than \$25.
2. Fee for an oath or affirmation shall be not more than \$25.
3. Fee for a jurat shall be not more than \$25.
4. Fee for authorizing a notary service electronic certificate to a person shall be not more than \$50. This does not include any vendor fees or charges to the person for reception of the notary service electronic certificate.
5. Fee for any other notarial act shall be not more than \$25.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 2085, effective August 1, 2003 (Supp. 03-2).

**R2-12-1208. Penalty Fee for Lack of Notice**

The penalty to be imposed upon an electronic notary for failure to provide signed notice as defined in the statute to the Secretary of

State of each loss, theft, or compromise of the electronic notary's journal shall be \$10 per use of electronic notary token up to a maximum of \$500. When audit trail is not recoverable, the maximum of \$500 shall be imposed upon the electronic notary for each failure to provide proper notice of a loss, theft, or compromise of the electronic notary's journal.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 2085, effective August 1, 2003 (Supp. 03-2).

**R2-12-1209. Civil Penalties**

- A.** The penalty to be imposed upon an electronic notary for failure to provide signed notice as defined in the statute to the Secretary of State of each loss, theft, or compromise of a notary service electronic certificate or of loss, theft or compromise of any materials or processes used in creating an electronic notary token or authorizing a notary service electronic certificate shall be \$10 per day, up to a maximum of \$500 for each failure to provide proper notice of a loss, theft, or compromise of a notary service electronic certificate or compromise of any materials or processes used in creating an electronic notary token.
- B.** The penalty to be imposed upon an electronic notary for each failure to provide signed notice as defined in the statute to the Secretary of State of a change of address shall be \$10 per day, up to a maximum of \$250 for each failure to provide proper notice of a change of address.
- C.** The penalty to be imposed upon an electronic notary for failure to deposit the notary's electronic notary journal and records as defined in the statute with the Secretary of State shall be \$50 for the first day and then \$10 per day up to a maximum of \$500.

**Historical Note**

New Section made by final rulemaking at 9 A.A.R. 2085, effective August 1, 2003 (Supp. 03-2).